1,697 265

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

CLARK'S GAMBLE CORPORATION, d/b/a CLARK'S DISCOUNT DEPARTMENT STORE, ET AL.

MOTION FOR LEAVE TO USE THE RECORD IN NO. 439, THIS TERM

The Solicitor General, on behalf of the National Labor Relations Board, moves for leave to use the Record in National Labor Relations Board v. Clark's Gamble Corporation, No. 439, this Term, as part of the Record in connection with the attached Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit. In No. 439, this Court granted the Board's petition and remanded the case to the Sixth Circuit for further consideration in light of this Court's opinion in National Labor Relations Board v. Gissel Packing Corporation, Inc., 395 U.S. 575, retaining the record in this Court. 396 U.S. 23. That court has reconsidered its prior conclusion, and reaffirmed it, and the Board now seeks review of its judgment on reconsideration. A supplementary record was made in the Sixth Circuit on remand, and is being lodged with the Clerk together with the present petition; but it

will be appropriate for the Court in its consideration of the present petition to have before it as well the record on initial consideration in the court of appeals.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

JUNE 1970.